

Basis for the Amendments to the Claims

Applicants have amended Claim 16. Claim 16 claims a process for producing a zeolite of the ZSM-12 type. Unique physical characteristics of the claimed ZSM-12 type zeolite are claimed in product Claim 35. Applicants have incorporated those physical characteristics into process Claim 16, without adding any new subject matter.

Discussion

The USPTO issued a Restriction Requirement requiring a restriction among four different groups: Group I - Claims 16 - 28, drawn to a process for producing a zeolite of the ZSM-12 type; Group II - Claims 35 - 41, drawn to a zeolite of the ZSM-12 type; Group III - Claims 42 - 49, drawn to a catalyst for the conversion of organic compounds comprising a zeolite of the ZSM-12 type; and Group IV - Claims 50 - 63, drawn to a process for converting organic compounds utilizing a catalyst comprising a ZSM-12 type catalyst.

The USPTO asserted that a restriction is required among these four groups of claims because there is not a "single general inventive concept" common in these four groups of claims, as required under PCT Rules 13.1 and 13.2. The USPTO asserted that the only common technical feature present is the claiming of a ZSM-12 type zeolite and ZSM-12 type zeolites are known in the prior art. Applicants respectfully traverse this restriction requirement.

Claims 35 - 41 do claim a ZSM-12 type catalyst. However, the claimed ZSM-12 catalyst has very specific physical characteristics that are claimed including a) a primary crystal size of less than or equal to 0.1 μm ; b) a specific volume, determined by mercury porosimetry at a maximum pressure of 4000

bar, of 30-200 mm³/g; and c) a pore radius range of 4-10 nm. These claimed physical characteristics are unique in ZSM-12 type zeolites.

These specific physical characteristics from Claim 35 are now present in all claims of the application. Specifically, with regard to the claims of Group I, Claims 16 - 28, Applicants have amended Claim 16 to require that the ZSM-12 type zeolite produced by the process of Claim 16 must exhibit these specific physical characteristics. Accordingly, Group I claims, Claims 16 - 28 and Group II claims, Claims 35 - 41, have a "common inventive concept" being a ZSM-12 type zeolite having the specific physical characteristics that are claimed in both independent Claim 16 and independent Claim 35. Accordingly, Group I claims and Group II claims contain a single general inventive concept and should therefore be considered at the same time by the USPTO, as required by PCT Rule 13 and MPEP 1893.03(d).

In addition Group III claims, Claims 42 - 49, depend on Claim 35 and therefore the patentability of those claims is also dependent upon this same inventive concept that is present in Claim 35.

Finally, Group IV claims, Claims 50 - 63, depend on Claim 42. As Claim 42 depends on Claim 35, each of the claims of

Group IV, also claim the ZSM-12 type zeolite with the specific physical characteristics that are claimed in Claim 35.

Accordingly, all claims of Groups I, II, III and IV are linked by a single general inventive concept, that being the physical characteristics of ZSM-12 type zeolite that is claimed in Claim 35.

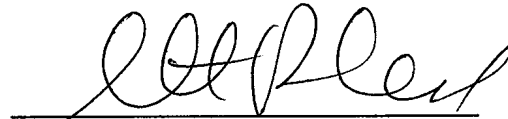
Accordingly, Applicants assert that restriction of claims among these four groups is improper, request withdrawal of the restriction requirement, and also request review of all claims in a single examination.

Notwithstanding, if the restriction requirement is continued, Applicants elect to prosecute Claims 35 - 41, which are drawn to a zeolite of the ZSM-12 type with the physical characteristics claimed in Claim 35. If the restriction requirement is continued, all other claims of the application should be withdrawn from prosecution. Regardless, the amendment to Claim 16 should be retained so that Claims 16 - 28 may be rejoined, if the product Claims 35 - 41 are determined to be allowable.

CONCLUSION

Applicants request that the restriction requirement be withdrawn and that all claims of the application be considered in a single examination. Notwithstanding, if the restriction requirement is continued, Applicants request review of Group II claims, Claims 35 - 41. If there are any questions concerning this Response, please contact Applicants' counsel.

Respectfully Submitted,



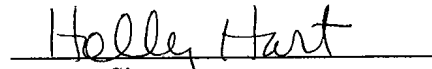
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CERTIFICATE OF EFS SUBMISSION (37 C.F.R. § 1.8(a)(1)(C))

I hereby certify that, on the date shown below, this correspondence is being submitted to the Patent and Trademark Office via the Office Electronic Filing System in accordance with § 1.6(a)(4).

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